

REMARKS

Upon entry of the present amendment, Amendment-A, the claims in the application are claims 1-20, of which claims 1-4 are independent. Claims 1-4 and 6 have been amended, and claim 5 has been canceled without prejudice. New claims 7-20 have been added.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-A is submitted. Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim rejections – 35 USC § 102 (b)

In the Office Action (page 2), claims 1 and 4 are rejected under 35 USC § 102(b) as being anticipated by Maki et al. (US 6,270,106).

Applicant's Response:

Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejection is overcome, and that each of claims 1 and 4 is patentably distinct over the disclosure of Maki et al. for several reasons, including those given below, and given the Examiner's indication of allowable subject matter of the claimed invention as discussed hereinafter.

Applicant respectfully submits that, structurally, the system of Maki et al. is different from the present invention because Maki et al. fail to disclose or suggest several features of the present

invention.

For example, Maki et al. in their Fig. 7, disclose a generally mirror-image of generally rectangular shaped footrest platform 30' (having a heel portion 32, a cleat 40 and a toe portion 36; and front 44', rear 46' and side 48' walls, and an outer flange 50') which may be utilized on the opposite side (i.e., typically the right side) of an all terrain vehicle to give a rider a symmetrical feel when riding on the vehicle; and that the side wall 48' of the right footrest 30' may include an opening 49' positioned adjacent to the toe portion 36' permitting an operation pedal, e.g., a brake lever to extend through the opening 49' for operation by the rider's right foot (col. 4, lines 45-52).

Thus, applicant respectfully submits that, although the opening 49' in the side wall 48' of the system of Maki et al. appears to be extending along the side wall in both front-rear direction and upper-lower direction (Fig. 7), they fail to disclose a partition plate having an elongated insertion aperture formed therein for allowing the operation pedal to extend therethrough, and that the insertion aperture extends substantially diagonally along the partition plate, as required by the claim 1 (as amended).

Further, claim 4 has been amended, to incorporate the allowable subject matter of claim 6 to specify that wherein a peripheral portion of the partition plate, surrounding the insertion aperture, is formed with a stepped structure, such that a front side of the peripheral portion is positioned to an engine side of the operation pedal, and a rear side thereof is positioned on the opposite side of the operation pedal from the front side. This limitation is not taught, suggested nor rendered obvious by the references of record, and is completely different from the teaching of Maki et al.

For all the foregoing reasons, applicant requests reconsideration and withdrawal of the Examiner's rejection of claims 1 and 4 under 35 USC § 102(b).

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In the interest of expediting prosecution of the application, applicant has amended claims 1-4 and 6 by the present amendment. New claims 7-20 have been added to define additional aspects of the present invention.

Claim 1 has been amended to further define the partition plate having an elongated insertion aperture formed therein for allowing the operation pedal to extend therethrough, and that the insertion aperture extends substantially diagonally along the partition plate.

Each of claims 2 and 3 (having allowable subject matter) has been rewritten in independent form to include limitation of the base claim 1, at the suggestion of the Examiner, to put claims 2 and 3 in a condition of allowance.

Claim 4 has been amended, to incorporate the allowable subject matter of claim 6, to specify that wherein a peripheral portion of the partition plate, surrounding the insertion aperture, is formed with a stepped structure, such that a front side of the peripheral portion is positioned to an engine side of the operation pedal, and a rear side thereof is positioned on the opposite side of the operation pedal from the front side. Therefore, claim 4 as amended believed to be in condition of allowance.

Claim 6 has been amended to depend from claim 4 (having allowable subject matter, as amended) and to incorporate allowable subject matter of claim 5 (cancelled in the present amendment), to put claim 6 in a condition of allowance. The total combination claim 6 is not taught, suggested nor rendered obvious by the references of record.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure including drawings, and that no new matter is introduced into the application by amending the claims.

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Applicant also respectfully submits that the new claims are fully supported by the original disclosure including drawings, and that no new matter is introduced into the application by addition of these new claims.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

Applicant would like to thank Examiner Bottorff for the helpful and courteous telephonic interviews he conducted with one of applicant's representatives on 14 December 2005 and 15 December 2005, in conjunction with the present application and the Office Action of 15 November 2005. Following the interview of 14 December 2005, applicant sent an informal draft of proposed claim amendments to Examiner Bottorff via fax on same day, and telephoned the Examiner to request review of same. Subsequently, in the interview of 15 December 2005, Examiner Bottorff indicated that he had reviewed the draft of claim amendments, and that pending further review, he felt that claims 1-4 and 6 should patentably distinguish over the art. Applicant thanks the Examiner for reviewing the draft amendment, and for the courtesy extended in these telephone interviews.

The Commissioner is hereby authorized to charge \$200.00 for one independent claim in excess of three, as well as to charge any deficiency which may be required during the entire pendency of the application, and to credit any excess paid during the entire pendency of the application, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C.

A duplicate copy of this sheet is enclosed.

If any issues remain unresolved, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

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10 February 2006

Respectfully submitted,

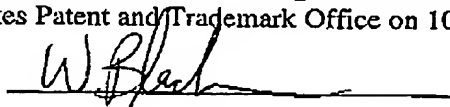


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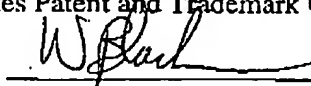


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